

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EDWIN C. MARTIN, JR., et al., )  
Plaintiffs, )  
vs. ) Case No. 4:05CV1857 AGF  
JAMES P. HOLLORAN, et al., )  
Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs' motion to consolidate this case with the case of Martin v. O'Brien, No. 4:10CV1307 CAS.

Rule 42(a) of the Federal Rules of Civil Procedure gives this Court broad powers to consolidate actions involving common questions of law or fact if, in its discretion, such consolidation would facilitate the administration of justice. “[T]he mere fact that a common question is present, and that consolidation therefore is permissible under Rule 42(a), does not mean that the trial court judge must order consolidation.” 9A Charles Wright & Arthur R. Miller, Federal Practice and Procedure § 2383 (3d ed. 2010). There are many reasons why a district court may deny a request for the consolidation of separate cases. For example, a motion under Rule 42(a) may be denied if consolidation will cause delay in the processing of one of the cases, or will lead to confusion in the effective management or trial of one or more of the cases. Id.

Here, although the two cases share some background facts, the later-filed case

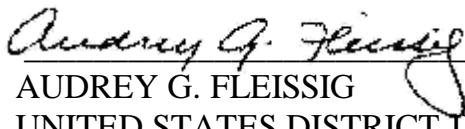
adds new and different claims against new parties. Furthermore, substantial pretrial proceedings have already been completed in the lower-numbered case, which is set for trial in less than two months, and it would not facilitate the administration of justice to consolidate the two cases at this late stage.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion to consolidate is **DENIED**.

[Doc. #220]

**IT IS FURTHER ORDERED** that the Clerk of Court shall file a copy of this Memorandum and Order in Case No. 4:10CV1307 CAS.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of August, 2010.